

REMARKS:

Claims 1-35 are pending. By this amendment, claims 1-35 are canceled in favor of claims 36-55. Applicant requests reconsideration and allowance in view of the above amendments and the following remarks.

OBJECTIONS TO THE SPECIFICATION

The Abstract is objected to for informalities. Applicant thanks the Examiner for his comment and has amended the Abstract accordingly. Therefore, Applicant submits that the objection is overcome.

CLAIM OBJECTIONS

Claims 8, 9, 22, 29, 31, and 33-35 are objected to because of informalities. In view of the amendment canceling claims 1-35, the Examiner's claim objections are moot.

35 USC § 112 REJECTIONS

Claims 2-7, 15-20, 23-28, 32, and 33 are rejected under § 112. In view of the amendment canceling claims 1-35, the Examiner's claim objections are moot.

Nevertheless, Applicants note the Examiner's rejection under § 112 was for lack of enablement. Applicants submit that the real basis is not that the claims were not enabled, but rather that there was no written description (with lack of enablement following from the lack of a written description). Assuming this to be the case, Applicants note that the claims as filed did support themselves and did, in fact, describe an embodiment which one skilled in the art could have understood or envisioned in view of that claim-based disclosure. Consistent with that original disclosure, Applicants have prepared a new Fig. 6 and have introduced new paragraphs into the specification describing that figure. Applicants submit that because the new figure and the new text are consistent with the claims as originally presented, they introduce no new matter. Accordingly, Applicants request the new Fig. 6 and text be entered. New claims 38-45 and 49-55 are directed to that subject matter and preemptively submit that similar § 112 rejections should not be applied to these new claims.

However, if Applicants are incorrect in their assumption as to the basis for the rejection, i.e., that the Examiner's position truly is an enablement position, Applicants note that the invention is in the mechanical arts. As such, the claims as originally filed were sufficient to enable one of ordinary skill in the art to practice the invention as claimed (both as originally filed and as not presented) without undue experimentation. (See, for example, MPEP 2164.03 addressing a generally lower required scope of disclosure required for enablement in predictable arts, such as mechanical arts.) Accordingly, Applicants submit the claims as originally filed sufficiently enable one of ordinary skill in the art to practice the invention as claimed.

35 USC §§ 102-103 REJECTIONS

Claim 21 is rejected under § 102. Claims 1, 8-14, 22, 29-30, 34, 35 are rejected under § 103(a). In view of the amendment canceling claims 1-35, the Examiner's claim rejections are moot.

CONCLUSION

In view of the above remarks and enclosed amendments, Applicants respectfully request the Examiner withdraw the rejections and send notice of allowance in the next Office communication.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 0173.0019.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Novak, Druce & Quigg, LLP
1000 Louisiana, Suite 5300
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
tracy.druce@novakdruce.com

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy Druce".

Tracy W. Druce, Esq.
Reg. No. 35,493